

March 23, 2004

REMARKS

Applicants gratefully acknowledge the courtesy shown by Examiner Roark and Primary Examiner Gambel in the interview with Catherine Kara, chief patent counsel for the assignee, Medarex, Paul Zagar and the undersigned of Darby & Darby on March 18, 2004. Claims were proposed to obviate written description and prior art rejections based on elements from the priority as well as the present specifications, including binding characteristics such as competition with a disclosed antibody, and tissue cross-reactivity characteristics of therapeutic antibodies. The claims presented in this amendment reflect the substance of the understanding reached with the Examiner during the interview. In particular, a claim substantially similar to claim 148 was presented for discussion at the interview and the Examiner indicated that the functional limitations of claim 148 are likely to be patentable. In addition, claim 151 was discussed in light of disclosure of pre-clinical and clinical data in the specification. The Examiner indicated that new claims 148-152 avoid the grounds for rejection of the canceled claims and would be considered. Accordingly, this amendment is responsive to the interview and the Examiner's express request for a supplemental amendment.

Claims 118-121, 124 and 130-133 have been allowed. The subject matter of claims 122-123 and 115-117 has been found allowable and it is believed that the claim amendments made in the Response To Office Action And Amendment Under 37 C.F.R. 1.111 dated November 26, 2003 obviate the Examiner's objections to these claims. Claims 69-90, 125-129 and 134-146 have been cancelled without prejudice. Claims 115-120 and 127 have been amended. New claims 148-152 have been added.

Support for amended claims 115-120 can be found at page 9, lines 20-22 and page 8, lines 3-27. Amended claim 127 corresponds to features of a specific antibody within the scope of claim 121. As discussed at the interview, these characteristics are found in therapeutically effective antibodies, which are disclosed at page 5, lines 8-9.

Support for new claims 148-150 can be found at page 5, lines 4-7 and 25-28; page 7, lines 22-23; page 9, lines 23-25 and 31-34; page 73, lines 3-12; pages 81-82, example 6; and page 83, table 5. Support for claim 149 can also be found at page 6, lines 26-30. In addition to the foregoing, support for new claims 151-152 can be found at page 5, lines 8-9; page 78, line 4 to page 81; pages 47-64; and page 85, line 5 to page 92, line 3.

Application Serial No. 09/644,668

March 23, 2004

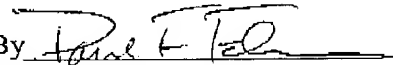
No new matter has been introduced by these amendments. Therefore, entry and consideration of the amendments are respectfully requested.

Conclusion

All of the pending claims in this application are believed to be in condition for allowance. Entry and consideration of these amendments and remarks are therefore respectfully requested.

Dated: March 23, 2004

Respectfully submitted,

By 
Paul F. Fehlner, Ph.D.
Registration No.: 35,135
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant

Application Serial No. 09/644,668

Interview Summary	Application No. 09/644,668	Applicant(s) KORMAN ET AL.	
	Examiner Jessica H. Roark	Art Unit 1644	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jessica H. Roark

(3) ~~Paul Fehner~~ Paul Fehner

(2) Phillip Gambel

(4) Paul Zagar

Date of Interview: 18 March 2004

(5) Catherine Kara

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: pending + proposed

Identification of prior art discussed: of record

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see below

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Discussed ways to obviate 112-1 N.M. rejections by focusing on functional properties.

EXAMINER requested that Applicant provide a supplemental amendment to address 112-1 rejection. Applicant agreed to file supplemental amendment.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Jessica H. Roark
Examiner's signature, if required